



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).**

**Chamber Ref: FTS/HPC/CV/18/3027**

**Re: Property at 109/7 (1F3), Broughton Road, Edinburgh, EH7 4EQ (“the Property”)**

**Parties:**

**Ms Denise Borland, 25 Frogston Road West, Edinburgh, EH10 7AB trading as Borland Flat Rental (“the Applicant”) per her agent Pure Property Management, 141, Gilmore Place, Edinburgh EH3 9PW (“the Applicant’s Agents”)**

**Mr Michael Conway, 109/7 (1F3), Broughton Road, Edinburgh, EH7 4EQ (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of SIX THOUSAND FOUR HUNDRED AND TEN POUNDS STERLING (£6,410.00) be granted.**

**Background**

1. By application dated 9 November 2018 (“the Application”), the Applicant’s Agents, on behalf of the Applicant, made an application in terms of Rule 70 of the Rules to the Tribunal for an order for payment for the sum of £6,410.00 being rent due and owing by the Respondent to the Applicant.
2. The Application comprised a copy of a short assured tenancy agreement between the Parties in terms of the Housing (Scotland) Act 1988 and a document

headed "Tenant Statement" showing of rent due and paid by the Respondent to the Applicant and showing a negative balance of £6,410.00.

3. On 8 January 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 25 February 2019 at 14.00 at George House, 126, George Street, Edinburgh EH2 4HH. The CMD was adjourned to 5 April 2019 and a formal Direction in terms of Rule 16 of the Rules was issued to both Parties, orally and in writing, at the CMD. The date of the adjourned CMD and the Direction was also notified to the Parties by recorded delivery and email.
4. The Direction ordered the Respondent to lodge a letter from his doctor in respect of purported consultation on 25 February 2019. The Direction advised the Respondent to seek legal or housing advice and to appoint a representative, if he so wished. The Respondent did not comply with the Direction.
5. The Applicant, if she wished to amend her claim to the current sum allegedly due to her, was ordered to lodge an updated statement of rent due and owing by the Respondent to the Applicant. The Applicant's Agents on behalf of the Applicant lodged an updated statement on 27 February 2019 claiming rent due and owing of £6,910.00.

#### **Case Management Discussion**

6. The adjourned CMD took place on 5 April 2019 at 10.00 at the said George House. The Applicant was not present and was represented by Mr. Ashley Puren of the Applicants' Agents. The Respondent was not present and was not represented.
7. Mr. Puren advised the Tribunal that a payment of housing benefit had been received and so, at the date of the adjourned CMD, the sum claimed by the Applicant is £6,410.00 and that he sought an Order for this sum.

#### **Findings in Fact**

8. From the Application and the CMD and having no evidence or representation from the Respondent to the contrary, I found no reason to disbelieve Mr. Puren that rent amount to £6,410.00 is due and owing to the Applicant by the Respondent.

#### **Decision and Reasons for Decision**

9. Being so satisfied and having regard to Rule 17(4) of the Rules which states that a First-tier Tribunal may do anything at a case management discussion which it may do at a hearing including making a decision, I decided to grant the order without further procedure.

#### **Post CMD Note**

The Respondent appeared at the said George House late at 10.15, claiming difficulties with road works and parking, and after the CMD had completed and the Order was granted. I explained to him that he would receive a copy of the Order by post and that he might wish to take legal advice on its effect.

## Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

K Moore

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Legal Member/Chair

5 April 2015

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Date